

**Before the State of South Carolina
Department of Insurance**

In the matter of:

Mr. Andrew J. Cavaliere
120 White Plains Road, Suite 135
Tarrytown, NY 10591

SCDOI File Number 124947

**Consent Order
Imposing Administrative Penalty**

This matter comes before me pursuant to an agreement entered into, between the State of South Carolina Department of Insurance and the above named respondent, a licensed non-resident South Carolina insurance producer.

On April 12, 2005, Mr. Cavaliere informed the Department of actions taken against him by the States of Massachusetts, Kentucky and Louisiana, respectively, and dating back to the year of 2004.

The Department then reminded Mr. Cavaliere that such type of disclosure had to be made within 30 days from the date an action was taken. Mr. Cavaliere acknowledges his failure to timely report to the Department actions taken against him by other States and understands that his failure can ultimately lead to the revocation of his license to transact the business of Insurance as a South Carolina non-resident producer, following a public hearing at the Administrative Law Court. However, the parties have agreed that, rather than to proceed toward a formal public hearing, they would submit the entire matter to me, along with their specific recommendations, so that I could form my summary decision based solely on the record. The mutual recommendation was that the Department would allow Mr. Cavaliere to remain licensed as a non-resident insurance producer, upon the submission of an administrative penalty in the amount of \$500.00 dollars.

Section 38-43-130 of the South Carolina Code grants the Director of Insurance the power to revoke an insurance producer's license for violating any of South Carolina's Insurance Laws or regulations. Specifically, § 38-43-247 (A)(Supp. 2004) mandates that..."a producer shall report to the Director or his designee any administrative action taken against the producer in another jurisdiction or by another governmental agency in this State, within 30 days of the final disposition of the matter. This report shall include a copy of the order, or other relevant legal documents." Code section 38-43-130 also allows the Director to impose a financial penalty in lieu of revocation or suspension of a license. Therefore, under the discretionary authority provided to me within S.C. Code Ann. § 38-43-130 (Supp. 2004), and after carefully considering the recommendation of the parties, I hereby conclude that the appropriate sanction against Mr. Cavaliere is an administrative penalty in the amount of \$500 dollars.

The parties have reached this agreement through negotiation and compromise and in consideration of the nature of the charges at issue. It is further agreed by the parties that the total

amount of the administrative penalty must, pursuant to the provisions of S.C. Code Ann. § 38-43-130 (Supp. 2004), be paid within fifteen (15) days from the date of my signature upon this consent order. If that total penalty amount is not properly paid on or before that date, the respondent's nonresident insurance producer's license will be revoked without further administrative proceedings. The parties expressly agree and understand Mr. Cavaliere's payment of the agreed-upon penalty constitutes full accord and satisfaction of this matter.

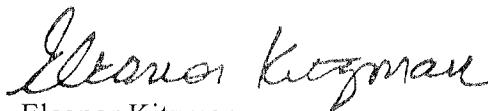
By his signature upon this consent order Andrew Cavaliere acknowledges that he understands this consent order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 2004).

Nothing contained within this administrative disciplinary order should be construed to limit, or to deprive any person of any private right of action under the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement officer or judicial officer. Nothing contained within this administrative order should be construed to limit the statutory duty of the Director, exercised either directly or through the Department, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the laws relative to the business of insurance or the provisions of this title which he considers necessary to report." S.C. Code Ann. § 38-3-110(3) (Supp. 2004).

It is, therefore, ordered that, within fifteen days from my date and signature upon this consent order, Andrew Cavaliere shall pay through the Department an administrative penalty in the total amount of \$500.00.

It is further ordered that a copy of this consent order be immediately transmitted to the National Association of Insurance Commissioners for its distribution to its member states and a copy be placed in Mr. Cavaliere's licensing file.

This order takes effect upon the date of my signature below.



Eleanor Kitzman
Director of Insurance

May 19, 2005, at
Columbia, South Carolina

I CONSENT TO THE ABOVE:

A handwritten signature in black ink, appearing to read 'A. J. Cavaliere', written over a horizontal line.

Andrew J. Cavaliere
120 White Plains Road, Suite 135
Tarrytown, NY 10591.

Dated this 16 day of MAY 2005.